

tended to deceive and mislead the purchaser when applied to articles containing a glycol or a glycol ether, or both, poisons; and in that they were offered for sale under the distinctive names of another articles, food flavors.

On March 15, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

28547. Adulteration and misbranding of imitation flavors and Glyco-Ester. U. S. v. 5 Gallons of Imitation Flavors and 1 Can of Glyco-Ester. Default decree of condemnation and destruction. (F. & D. Nos. 41047, 41048, 41379. Sample Nos. 65152-C, 65153-C, 71066-C.)

The Glyco-Ester consisted entirely of diethylene glycol, a poison; and the imitation flavors also contained a poison—a glycol or a glycol ether.

On December 9, 1937, and January 11, 1938, the United States attorneys for the Eastern and the Middle Districts of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 5 gallons of imitation flavors at Philadelphia, Pa., and one can of Glycol-Ester at York, Pa. The libels alleged that the articles had been shipped in interstate commerce on or about October 29, 1937, from New York, N. Y., by Ross & Rowe, Inc.; and charged adulteration and misbranding in violation of the Food and Drugs Act. They were labeled in part: "Ross & Rowe, Inc. Sole Distributors New York."

The imitation flavors were alleged to be adulterated in that products containing a glycol or a glycol ether, a poison, had been substituted in whole or in part for imitation raspberry and strawberry flavors, which they purported to be; and in that they contained an added poisonous or deleterious ingredient, a glycol or a glycol ether, which might have rendered them injurious to health. They were alleged to be misbranded in that the statements "Flavors Raspberry [or "Strawberry"] imitation," on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to articles containing a glycol or a glycol ether, a poison.

The Glyco-Ester was alleged to be adulterated in that a poisonous substance, a glycol, had been substituted wholly or in part for Glyco-Ester, a food solvent, which it purported to be. It was alleged to be misbranded in that the statement "Glyco-Ester" on the label was false and misleading and tended to deceive and mislead the purchaser when applied to a poison unfit for use as a food solvent; and in that it was offered for sale under the distinctive name of another article, Glyco-Ester, a food-flavor solvent.

On January 21 and February 7, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

28548. Adulteration and misbranding of beverage flavors. U. S. v. 55 Dozen and 66 Dozen Bottles of Assorted Flavors. Default decrees of condemnation and destruction. (F. & D. Nos. 41264, 41265. Sample Nos. 38468-C, 38470-C.)

The Anisone and maraschino types of these products contained carbitol, a solvent composed of a glycol or a glycol ether, or both, which are poisons.

On December 27, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 121 dozen bottles of assorted flavors at Newark, N. J., alleging that the articles had been shipped in interstate commerce on or about July 20, October 21, and November 21, 1937, from Brooklyn, N. Y., by Atlas Extracts Corporation, and charging adulteration and misbranding of certain varieties in violation of the Food and Drugs Act. The products charged to be adulterated and misbranded were labeled in part, respectively: "White Arrow Brand Anisone Flavor Atlas Extracts Corp., Brooklyn, N. Y."; and "L'Italiana Brand Maraschino Flavor Sole Distributors Jacob Kurtz & Son Co. Newark, N. J."

Adulteration was alleged in that products containing a glycol or a glycol ether, or both, poisons, had been substituted in whole or in part for beverage flavors, which they purported to be; and in that they contained an added poisonous or deleterious ingredient, a glycol or a glycol ether, or both, which might have rendered them injurious to health.

Misbranding was alleged in that the statements on the labels, "Anisone Flavor * * * For Non-Alcoholic Beverages For Confectioners Use" and "Maraschino Flavor," were false and misleading and tended to deceive and